

**Board of Zoning Appeals**  
**Thursday, September 15, 2005**  
**Regular Meeting - 10:00 A.M.**  
**Phone # (937) 328-2495**

**County Office/Municipal Courts Building**  
**Public Chambers**  
**50 East Columbia Street, 5th Floor**  
**Springfield, Ohio 45501**

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# ***AGENDA***

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- |           |   |                                    |
|-----------|---|------------------------------------|
| <b>1.</b> | <b>Minutes - August 18, 2005</b>  | <b>Discussion &amp;<br/>Action</b> |
| <b>2.</b> | <b>BZA-2005-11 - Variance</b><br><b>Bill Morgan</b><br>1225 Whaley Road<br>Bethel Township<br><b><i>Remove from Table</i></b> | <b>Discussion &amp;<br/>Action</b> |
| <b>3.</b> | <b>BZA-2005-12 - Variance</b><br><b>Michael and Heide Kammer</b><br>3110 Fowler Road<br>Mad River Township                    | <b>Discussion &amp;<br/>Action</b> |
| <b>4.</b> | <b>BZA-2005-13 - Variance</b><br><b>Douglas W. and Denise C. Miller</b><br>700 Weber Road<br>Moorefield Township              | <b>Discussion &amp;<br/>Action</b> |
| <b>5.</b> | <b>Adjournment</b>  | <b>Action</b>                      |

## Minutes

## Board of Zoning Appeals

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Regular Meeting  
Thursday, August 18, 2005

County Office/Municipal Courts Building  
Public Chambers  
50 E. Columbia Street, 5<sup>th</sup> Floor  
Springfield, Ohio

Chairman Perkins called the meeting to order at 10 a.m.

Present: Mr. Rich Foster, Mr. Wilfred Potter and Mr. Allen Perkins

Absent: Mr. Lonnie Barclay and Mr. Marvin Berschet

Also Present: Mr. Kelly Daniels, Clark County Zoning Inspector and other interested persons.

### **BZA-8-18-05 ~ Minutes ~ July 21, 2005**

Motion by Mr. Potter, second by Mr. Foster to approve the minutes as printed.

***VOTE: Motion carried unanimously.***

### **BZA-2005-10 ~ Variance ~ City Forest of Clark County ~ 2713 Lake Road, South of 2581 Lake Road ~ Bethel Township.**

Mr. Daniels explained the applicant was seeking a Variance of Chapter 2, Section B of the Clark County Zoning Resolution. Said section requires a rear setback of 50' for a dwelling on a building lot in the R-1 (Rural) Zoning District with public sewer only. Granting the request would permit a dwelling to be constructed on a R-1 (Rural) zoning district lot with public sewer only, with a rear yard setback of 25'. He also mentioned it will be consistent with the Crystal Lake area. There is a letter of justification included in the agenda.

Chairman Perkins swore everyone in.

Attorney Jim Peifer, attorney for the applicant. The request is a companion to the request for a variance at the June meeting. When the lots were bought the survey had the wrong acreage. They found out when they went to split the lots. The lot is near the Crystal Lake area and old rail line. These lots are actually larger than the typical Crystal Lake lots. The rear setback variance request is consistent with Crystal Lakes.

## Minutes

### Board of Zoning Appeals

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**BZA-8-19-05 ~ Variance ~ City Forest of Clark County ~ 2713 Lake Road, South of 2581 Lake Road ~ Bethel Township.**

Motion by Mr. Foster, second by Mr. Potter to approve the Variance of Chapter 2, Section B of the Clark County Zoning Resolution to permit a dwelling to be constructed on a R-1 (Rural) zoning district lot with public sewer only, with a rear yard setback of 25'.

**VOTE: Motion carried unanimously.**

**BZA-2005-11 ~ Variance ~ Bill Morgan ~ 1225 Whaley Road ~ Bethel Township.**

Mr. Daniels explained the applicant is seeking a Variance of Chapter 2, Section A, Chapter 10, Definitions of the Clark County Zoning Resolution. Said section requires an accessory building or use shall be located on the same zoning lot as the principal building or principal use served. Granting this request would permit an accessory building to be constructed on a building lot without a principal building. The applicant has constructed a barn without obtaining zoning and building permits. The property is zoned A-1 (Agriculture) and no principal building exists on the 6.56 acre lot. Mr. Morgan has stated that the building will be used for horses and storage.

Mr. Foster wondered if Mr. Daniels had spoke to the applicant, if he was going to build a house and if he had given a time frame.

Mr. Daniels mentioned the applicant commented it would probably be next year before he could build the house.

The applicant was not present.

Mr. Combs lives at 943 Whaley Road. He wondered if the applicant was going to build a house. He didn't want buildings being built without a house being on the lot.

Mr. Foster explained to Mr. Combs, the letter the applicant sent mentions he would be building a house on the lot and Mr. Daniels mentioned it would probably be about a year from now.

Ms. Parr lives adjacent to the property and wondered the same thing as Mr. Combs. She doesn't want to see a business going in. She didn't have a problem with the request.

Chairman Perkins expressed his concern about building being built without a principal building and

## Minutes

### Board of Zoning Appeals

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then allowing them to get a variance. He didn't feel it was right.

Mr. Daniels explained he didn't have the authority to make anyone build a house.

Chairman Perkins wants to see if this particular item can be changed even if it has to go through the Prosecutor's Office.

Mr. Potter wondered if the variance is not approved what happens.

Mr. Daniels explained the applicant would have to tear down the building.

Mr. Potter made the suggestion to table the case until next month.

#### **BZA-8-20-05 ~ Variance ~ Bill Morgan ~ 1225 Whaley Road ~ Bethel Township.**

Motion by Mr. Potter, second by Mr. Foster to table the Variance of Chapter 2, Section A, Chapter 10, Definitions of the Clark County Zoning Resolution to permit an accessory building to be constructed on a building lot without a principal building.

***VOTE: Motion carried unanimously.***

## ***Adjournment***

#### **BZA-8-21-05 ~ Adjournment**

Motion by Mr. Potter, second by Mr. Foster to adjourn the meeting.

***VOTE: Motion carried unanimously.***

The meeting was adjourned at 10:20 a.m.

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Allen Perkins, Chairman

**BZA-2005-11 - Variance - Bethel Township  
Bill Morgan - 1225 Whaley Road**

**Date of Meeting:** September 15, 2005

**TO:** Board of Zoning Appeals

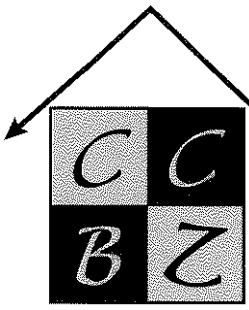
**FROM:** Planning Staff

**APPLICANTS REQUEST:**

The applicant is seeking a Variance of Chapter 2, Section A, Chapter 10, Definitions of the Clark County Zoning Resolution. Said section requires an accessory building or use shall be located on the same zoning lot as the principal building or principal use served. Granting this request would permit an accessory building to be constructed on a building lot without a principal building.

**STAFFS ANALYSIS:**

The applicant has constructed a barn without obtaining zoning and building permits. The property is zoned A-1 (Agriculture) and no principal building exists on the 6.56 acre lot. Mr. Morgan has stated that the building will be used for horses and storage.



# Clark County Zoning Regulations

937.328.2495  
937.328.2621 fax  
email: bldgregs@co.clark.oh.us

Garfield Building  
25 W. Pleasant St  
Springfield, OH 45506

Dana R. Booghier  
Director

September 6, 2005

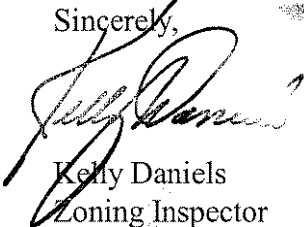
Dear Applicant:

On **September 15, 2005**, the Board of Zoning Appeals will hold a **PUBLIC HEARING** at 10:00 a.m., in the County Commission Chambers of the County Office/Municipal Building, 50 E. Columbia Street, 5th Floor, Springfield, Ohio. The purpose of this hearing is to review your request for a Variance.

Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,



Kelly Daniels  
Zoning Inspector

la

To. Kelly Daniels

I bought the property at 1225 Whaley  
as agricultural, not knowing that I  
needed a permit. I have built a  
48x40 barn for horses. I am currently  
boarding my horses and need this land  
for them. I intend in the near future  
of building a house.

Bill S. May -

7-7-05

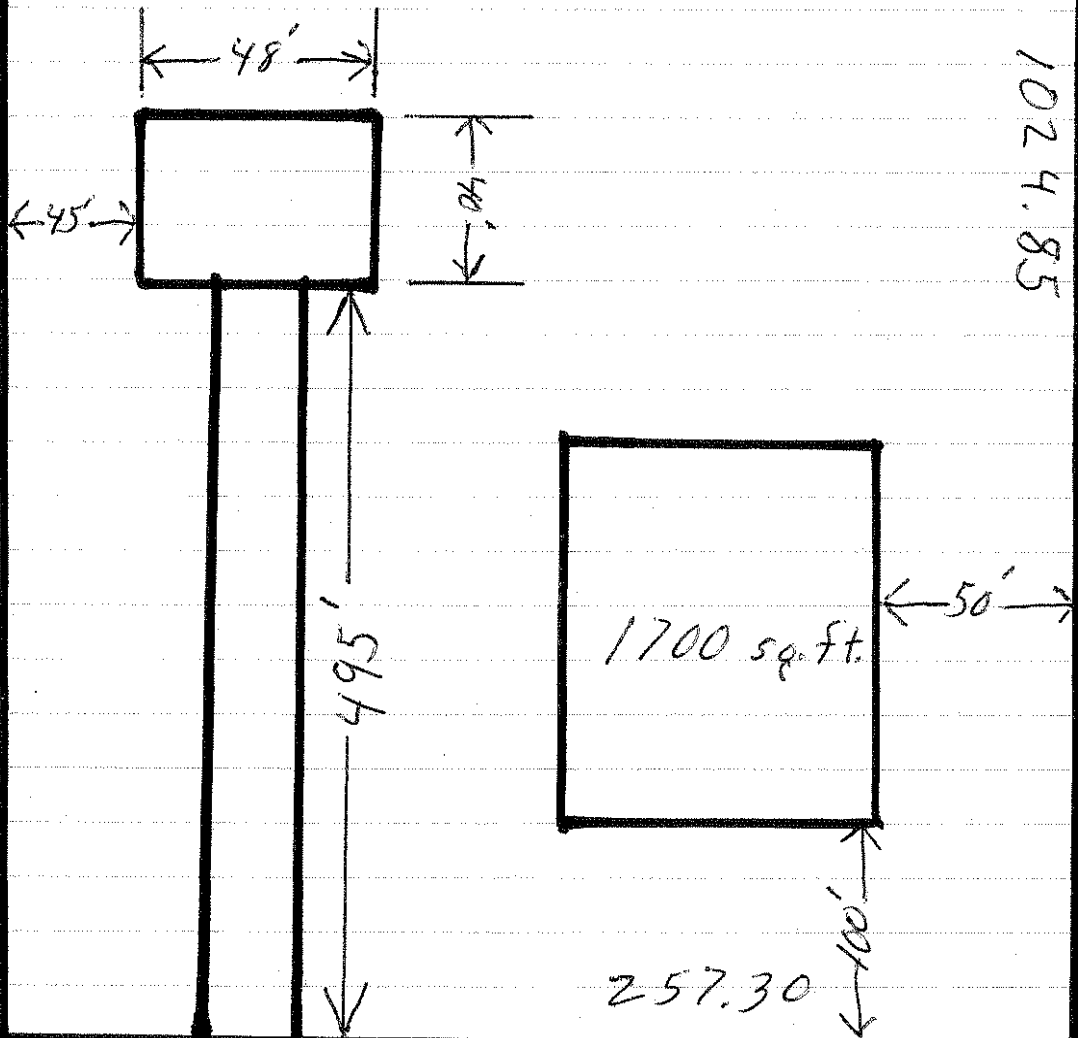
298.88

1225 Whaley Rd.

6.56

1021.85

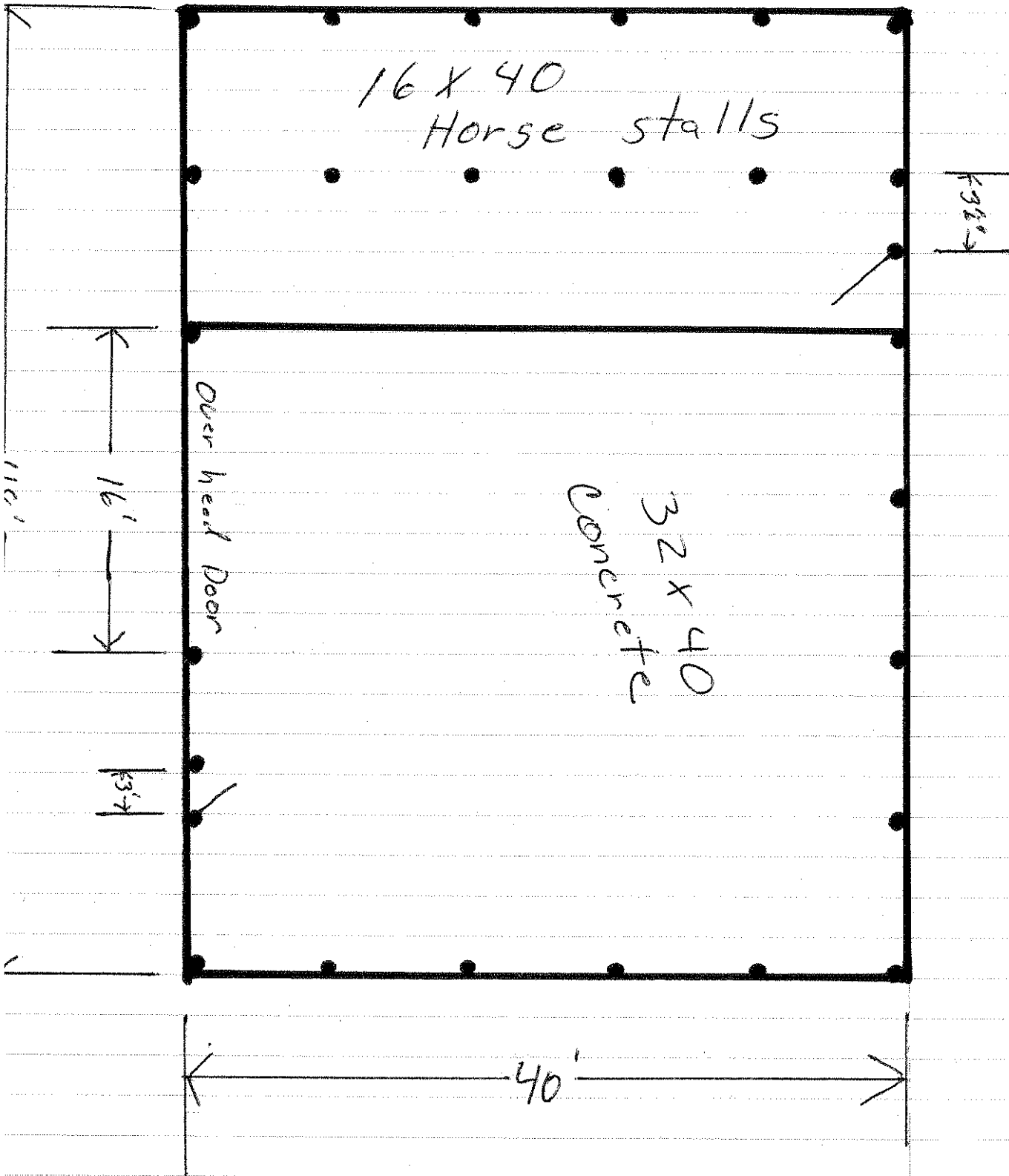
1024.85

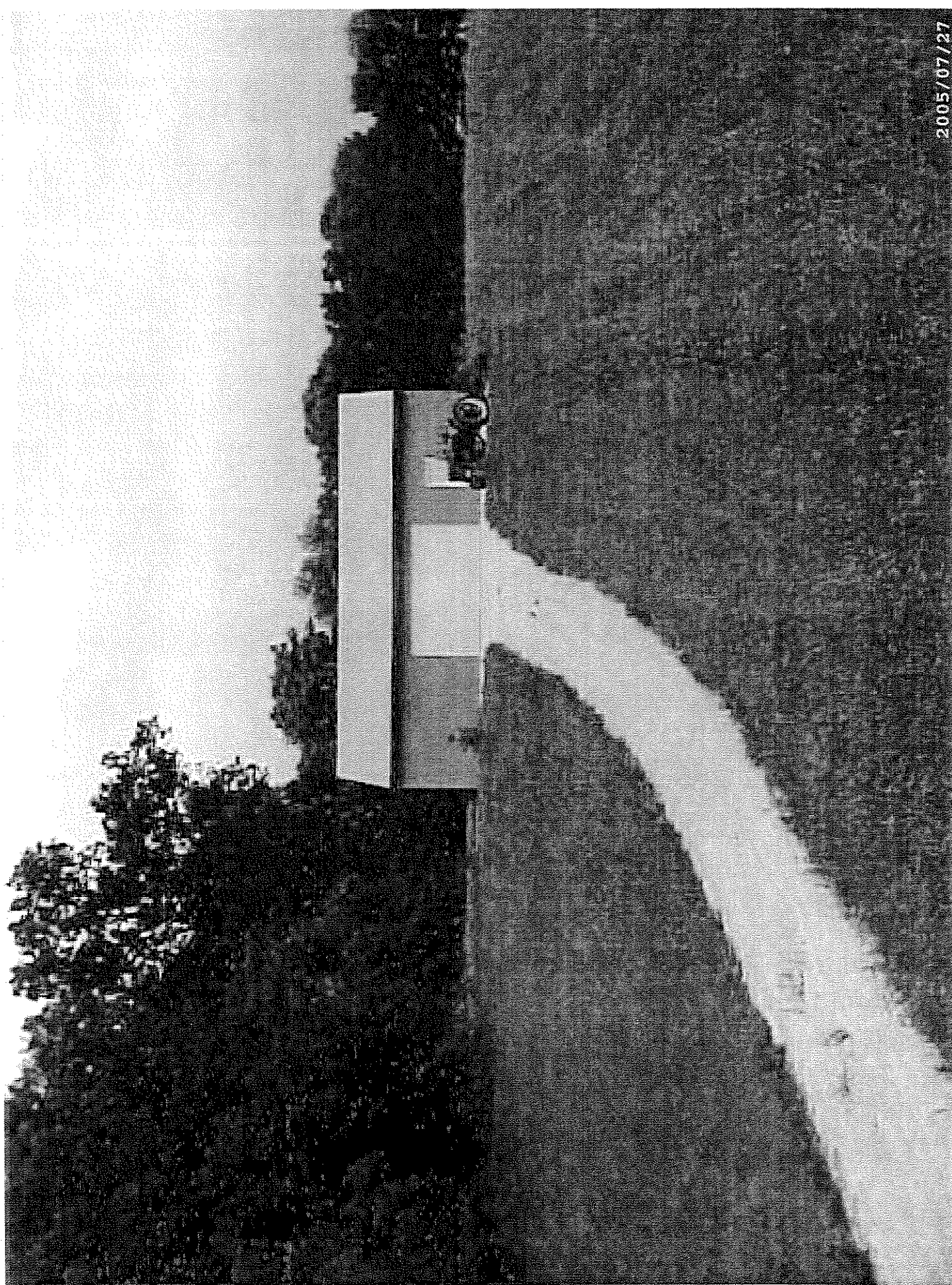


Whaley RD.



● - post  
All post  
8' center





2005/07/27

**BZA-2005-12 - Variance - Mad River Township  
Michael & Heide Kammer - 3110 Fowler Road**

**Date of Meeting:** September 15, 2005

**TO:** Board of Zoning Appeals

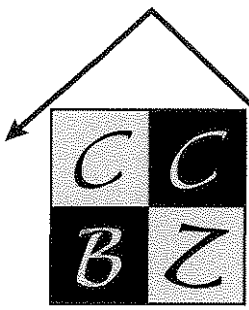
**FROM:** Planning Staff

**APPLICANTS REQUEST:**

The applicant is seeking a Variance of Chapter 2, Section A, Chapter 8, Section B of the Clark County Zoning Resolution. Said section requires a private detached garage located in the side yard shall meet the minimum 25' yard requirement for a principal building in the A-1 (Agricultural) Zoning District. Granting this request would permit a detached garage to be located in the required side yard with a side yard setback of 11'.

**STAFFS ANALYSIS:**

The applicant has submitted a letter. The staff has no objections to this variance.



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Dana R. Booghter  
Director

September 6, 2005

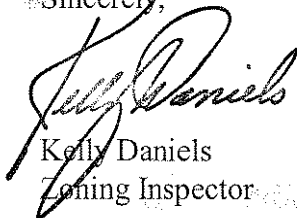
Dear Applicant:

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Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,



Kelly Daniels  
Zoning Inspector

la

3110 Fowler Rd.  
Springfield, OH 45502

July 28, 2005

Clark County Zoning  
25 W. Pleasant St.  
Springfield, OH 45506

Dear Zoning Commission:

We are applying for a variance to install a 24' x 45' pole barn in our side yard. It will have 10' sides. Instead of ~~26~~ feet from the property line, we wish to locate the building approximately 11 feet from our property line. This would require a variance of ~~14'~~ 11'. By locating the building in the proposed site it will allow us to better utilize our property. The building will allow the use of the existing driveway without additional paving in the yard. The area between the existing parking area and the new building will be paved with concrete. This will make for easier snow removal, provide ample room to back out of the garage at the end of the house, and create a building which I can access easily. I have just had bones in my foot and ankle fused, and we aren't getting any younger. By locating the building in the area shown, we will avoid having to build over the underground electric service to the house. The need to remove existing landscaping and mature trees will be minimized. Further, this is an ideal space for us to build because there is a driveway and wooded lot adjacent to the area beside the proposed barn, making it unlikely that the area would be developed in the future.

The building will be a brown/tan with a green roof and wainscot. The pitch of the roof will match roof line of the house. I have talked with all my neighbors, and they have no problem with us building on the site as we have requested.

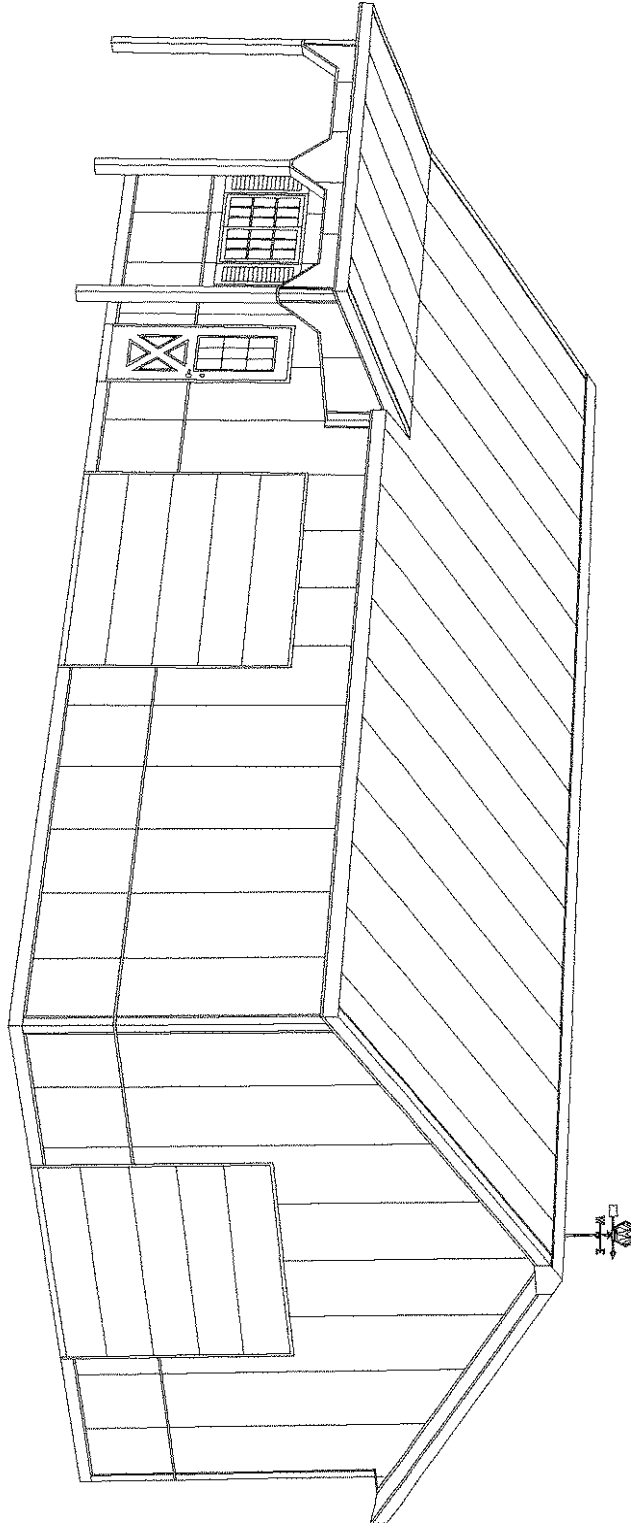
Sincerely,

*Michael Kammer*

*Heide Kammer*

Michael & Heide Kammer

Enclosures (5)



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OFFICE  
JOB NO.



**MORTON BUILDINGS, INC.**

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P.O. BOX 399

MORTON, IL 61550-0399

309-263-7474



DRAWN BY:  
DATE:  
CHECKED BY:  
DATE:  
REVISED DATE:  
REVISED DATE:  
REVISED DATE:  
REVISED DATE:

SCALE  
SHEET NO.  
OF

7-22-2005

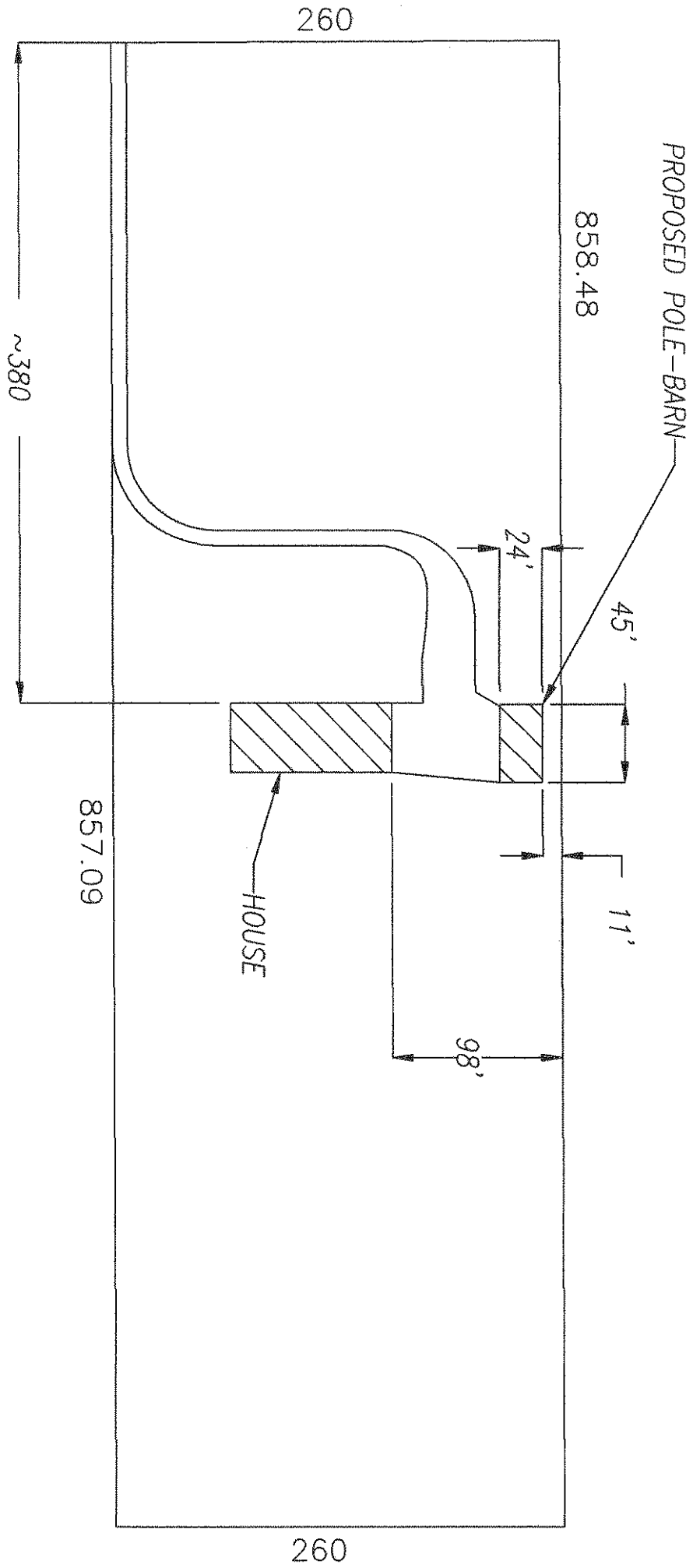
Untitled

Dear Neighbors,  
I am applying for a variance to allow me to build a pole barn in my side yard. I want to locate it 11 feet from the property line on the north side of my property in my side yard. This requires a variance since the standard is 30 feet (FT). The dimensions of the building are going to be approximately 45 FT long by 24 FT wide, with a small porch at one end. The long side will be parallel to the lane going back to the Olson property. I have attached an aerial view of the property showing the area where I want to have the pole barn built.

I am trying to get my ducks in a row, before I go to the zoning board and would much rather have you hear of the request from me than them. I have listed your names and addresses along with parcel number and a place for your comments. I will submit this document to the zoning board. Thanks for your support.

Michael Kammer 325 6069  
3110 Fowler Rd

Parcel	Name	Address	Comments/recommendation signature
180, 0600025000004	Augenstein	N Fowler Rd	John Dwyer OK to build
180, 0600025000080	Mc Cubbin	3216 Fowler Rd	Robert McIntosh OK
180, 0600025000096	Mc Cubbin	3216 Fowler Rd	Robert McIntosh OK
180, 0600025000085	Miller	3060 Fowler Rd	Edna Miller OK to build
180, 0600025000087	Olson	3072 Fowler Rd	Frank Olson OK
180, 0600025000104	Grim	5176 Broadway Rd	Patricia Grimm OK to build
180, 0600031201038	Graham	3115 Fowler Rd	Ken Graham OK to build
180, 0600031201045	Roberts	3211 Fowler Rd	Bob Roberts OK to build
180, 0600031201049	Taylor	3125 Fowler Rd	Urban Taylor OK to build
180, 0600031201051	Price	3147 Fowler Rd	RK Price OK to build
180, 0600031204008	Hoomes	3063 Fowler Rd	Bob Hoomes OK
180, 0600031204009	Edmiston	3085 Fowler Rd	OK David Edmiston
180, 0600031402026	Logan	3133 Fowler Rd	Heather Logan OK no answer









**BZA-2005-13 - Variance - Moorefield Township  
Douglas & Denise Miller - 700 Weber Road**

Date of Meeting: September 15, 2005

TO: Board of Zoning Appeals

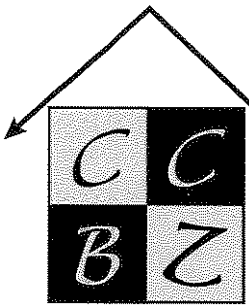
FROM: Planning Staff

**APPLICANTS REQUEST:**

The applicant is seeking a Variance of Chapter 2, Section A, Chapter 8, Section B of the Clark County Zoning Resolution. Said section requires a detached accessory building may be constructed in the front yard provided it is at least 300' from the road right-of-way. Granting this request would permit a detached accessory building to be constructed in the front yard with a setback of 112' from the road right-of-way.

**STAFFS ANALYSIS:**

The staff finds that topographical conditions applying to the land in question would create a hardship for the construction of a pole barn in the rear yard.



# Clark County Zoning Regulations

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Dana R. Booghter  
Director

September 6, 2005

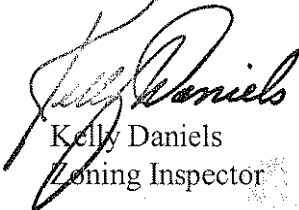
Dear Applicant:

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Your presence or a qualified representative is required. If your request is approved, there is a 30 day waiting period after the hearing.

If you or a representative are not present at the time of your hearing, your case will not be considered.

Sincerely,



Kelly Daniels  
Zoning Inspector

la

August 4, 2005

RE: 700 Weber Road  
Springfield, OH 45503

To Whom It May Concern:

This letter is being written to get a variance on putting a pole barn in the front of the house instead of the rear. Following are reasons as to why the pole barn cannot be put in the rear of the house.

- 1) Septic in rear
- 2) Removal of eight large trees in rear
- 3) Sloping land in rear yard
- 4) Rear yard not easily accessible from the front

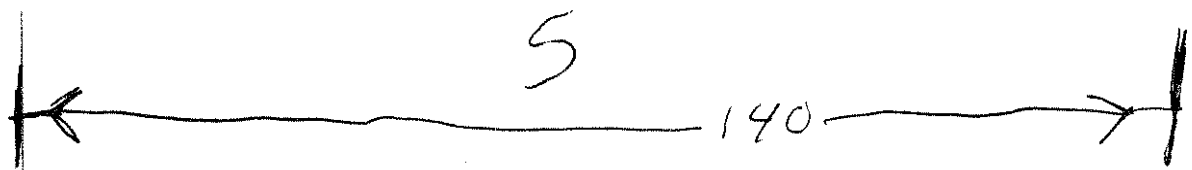
Thank you for your time.

Sincerely,

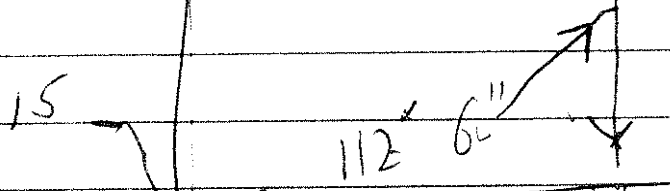
Douglas W. and Denise C. Miller  
Homeowners

*Timothy Schuler*  
NOTARY

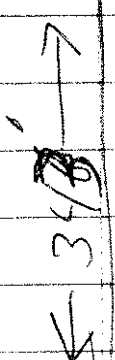
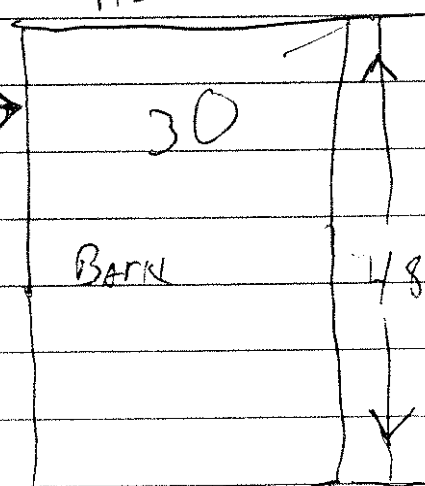
*My Commission Expires 5-4-09*



Webber Rd

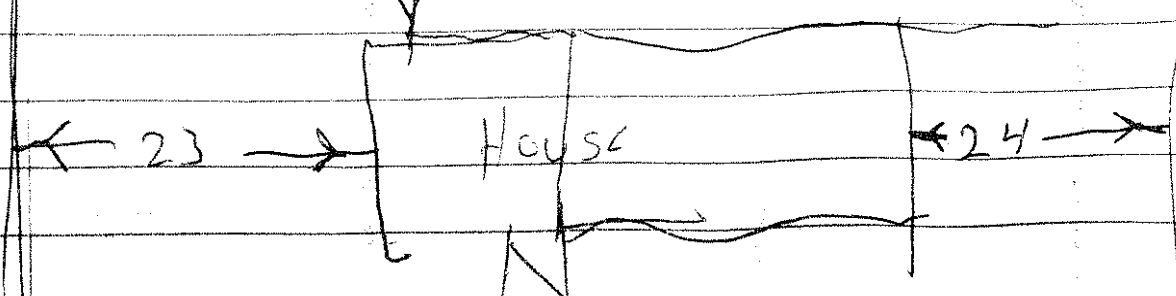


15



34/6

78' 6"





CLARK COUNTY COMBINED HEALTH DISTRICT  
ENVIRONMENTAL HEALTH DIVISION

EVALUATION OF PRIVATE WATER SYSTEM

\*\*\*This Report must be shown to Buyers Prior to Closing\*\*\*

The opinion given is rendered without knowledge of some of the individual parts of the private water system and applies only to the date and time the opinion is made. The opinion does not guarantee the future performance of the private water system. The Health District does not verify the quantity of water obtained from the water system. The safety of the water is determined through bacterial analysis only. Results are interpreted as directed by the Director of the Ohio Department of Health, effective January 1, 2000.

Location of Requested Inspection: 700 Weber Rd

1. Private Water System consists of:

- ☒ Drilled Well  
☐ Dug Well  
☐ Pond  
☐ Cistern  
☐ Cistern/Well Combination  
☐ Unknown

2. Well is terminated:

- ☒ Above ground w/pitless adapter  
☐ In a well pit  
☐ Below ground  
☐ In basement of home  
☐ Unknown  
☐ Other \_\_\_\_\_

3. Distances

98 Feet from septic tank or aerator  
>100 Feet from secondary disposal (leaching/dry well, etc.)  
\_\_\_\_\_ Feet from other sources of contamination

4. Total Coliform Bacteria Sample(s):

Date	Result	Interpretation
7-25-05	negative	Satisfactory

Comments:

- ☐ The well was chlorinated prior to the sample. This may have resulted in a FALSE-NEGATIVE result.
- ☐ It is suggested that this water system be re-sampled in 2-3 months.

Additional  
Comments: \_\_\_\_\_

Agent \_\_\_\_\_

Date 8/2/05

\*\*\*NOT VALID WITHOUT HEALTH DEPARTMENT SEAL\*\*\*



ENVIRONMENTAL HEALTH DIVISION  
529 E. HOME ROAD  
SPRINGFIELD, OHIO 45503  
(937) 390-5600

## EXISTING HOME SEWAGE DISPOSAL REPORT

\*\*\*This Report Must Be Shown to Buyers Prior To Closing\*\*\*

The opinion rendered serves only as a confirmation that the sewage disposal system complies with applicable regulations, as of the time of the inspection. This is not a guarantee of the system itself, nor is it a representation that the system will have an effective life for any certain period of time. The life of the system will depend upon many factors, including soil conditions, the manner in which the systems is used, and the extent of the demands the user places upon the system.

Location of Requested Inspection: 700 Welser Rd

### 1. Primary Treatment

☒ Septic Tank

☐ Aerator

Distance from Water Supply: 98 Feet

### 2. Secondary Treatment

Type: Dry Well

Discharge Point: N/A

Distance from Water Supply: >100 Feet

### 3. Distances:

a. Date of construction or estimated age of system 1990

b. House was      occupied ☒ vacant. How long? 1 year

c. Discharge to system:

	Yes	No	Undetermined
Washer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Softener	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clear Water Drains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Pumping Report: The accuracy of this information is the responsibility of the Septage Hauler.

Company Name: Buckeye

Date Pumped: 7/26/05

Tank Capacity: 1500 gallon

Baffle Condition: good - PVC

Evidence Of: No Backflow No

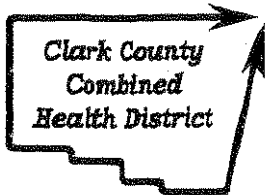
High Water Level

Risers: ☒ Present ☐ Installed

Comments: at ground level

\*\*\* NOT VALID WITHOUT HEALTH DEPARTMENT SEAL \*\*\*





ENVIRONMENTAL HEALTH DIVISION  
529 E. HOME ROAD  
SPRINGFIELD, OHIO 45503  
(937) 390-5600

## EXISTING HOME SEWAGE DISPOSAL REPORT

Location of Requested Inspection: 700 Weber Rd

### Comments:

- ☐ The septic tank is small given contemporary water use patterns. The tank should be inspected regularly and pumped as needed (See Pamphlet with Schedule)
- ☒ The house has been vacant and the sewage disposal system has not been used on a daily basis. This report cannot reflect the efficiency of the system under the stress of full use.
- ☐ The outlet baffle was replaced at the time the tank was pumped. The purpose of this baffle is to prevent solids from leaving the septic tank and entering the treatment systems, which can lead to system failure. An intact baffle is critical for a properly functioning system.
- ☐ The septic tank was pumped prior to this inspection. Therefore, this inspection cannot fully reflect the true operation of the system.

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

Agent

Date

8/2/05

\*\*\* NOT VALID WITHOUT HEALTH DEPARTMENT SEAL \*\*\*

SANITATION REPORT

CLARK COUNTY HEALTH DEPARTMENT  
301 S. FOUNTAIN AVE. SPRINGFIELD, OHIO

NAME Ward Excavating		ADDRESS OF RESPONSIBLE PERSON 700 Weber Rd	
SANITARIAN Permit # 1879	DATE OF INSPECTION 11/5/3/90	TYPE SD ✓	
FINDINGS AND RECOMMENDATIONS			

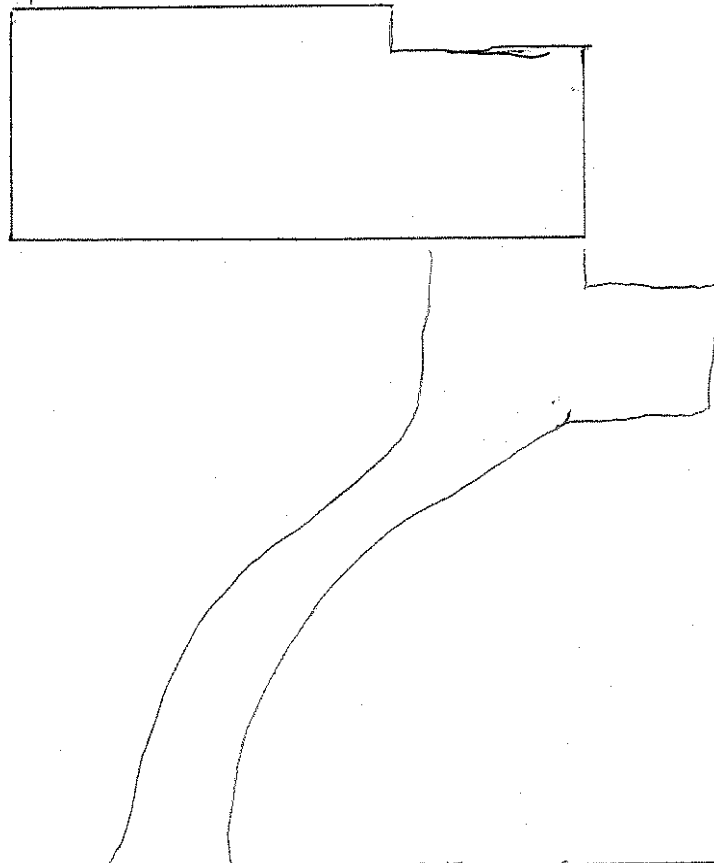
New 10' x 10' well  
 Must expose 4' sand & gravel  
 1' x 2' gravel pit  
 bottom of hole before setting  
 either place okay  
 Existing 10' x 10' well  
 Front Existing Dry Well to be abandoned  
 Existing Septic Tank  
 see attached permit for final

6' to Gravel  
Clean Coarse Sand

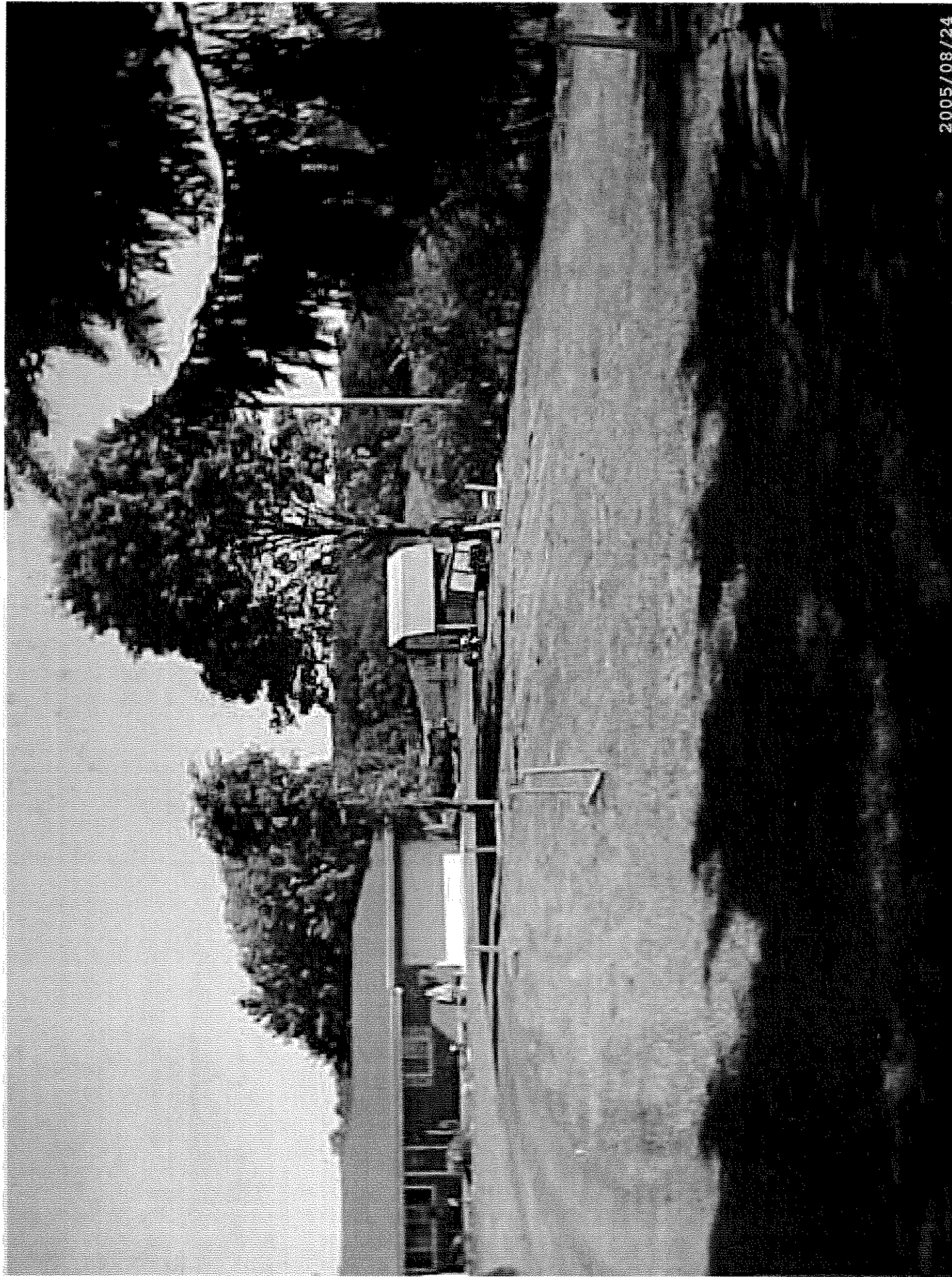
old Dry well  
cut off

New Dry well  
in 8' Clean Fine Gravel

Existing Septic Tank

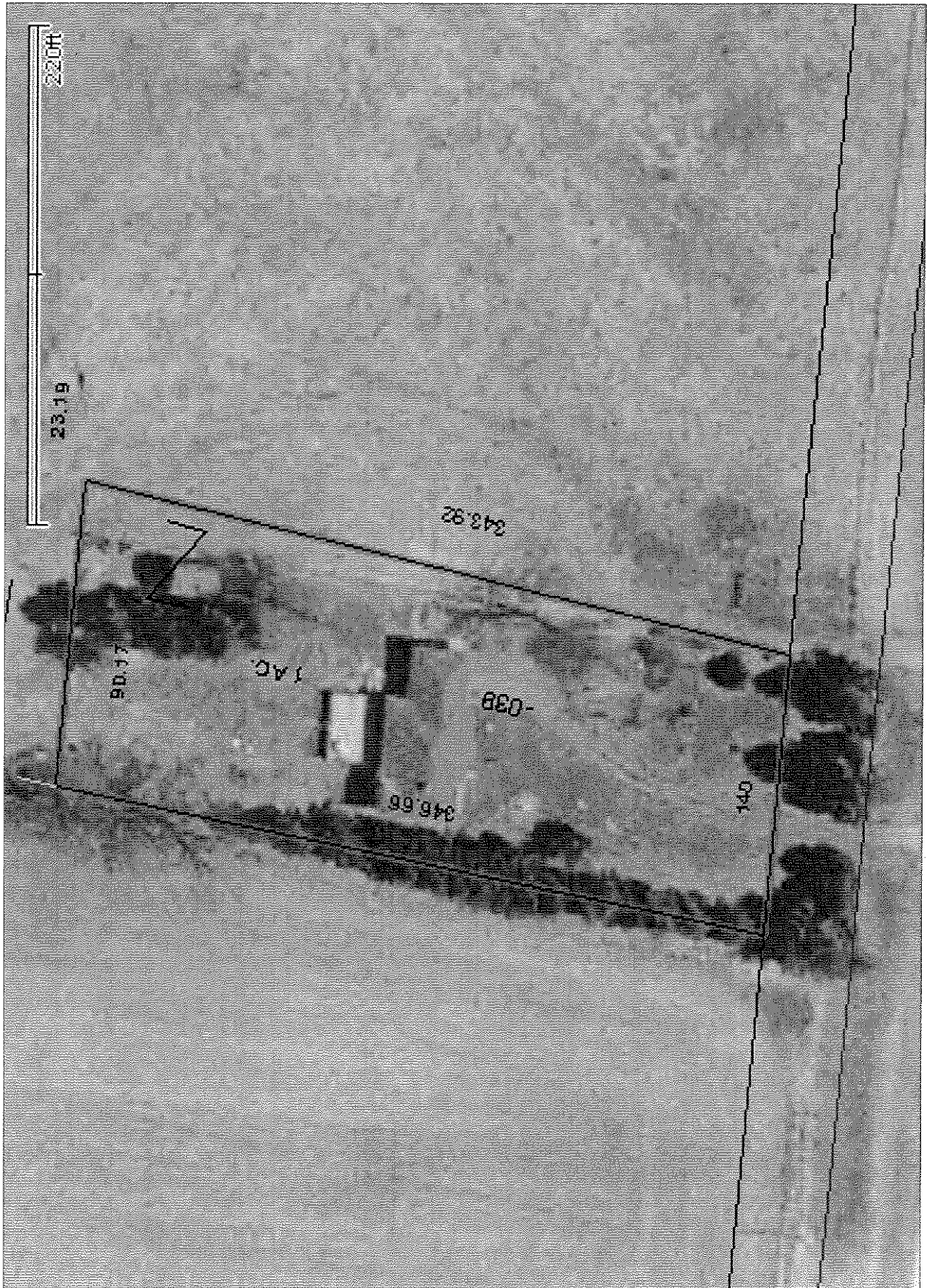


700 Weber Rd

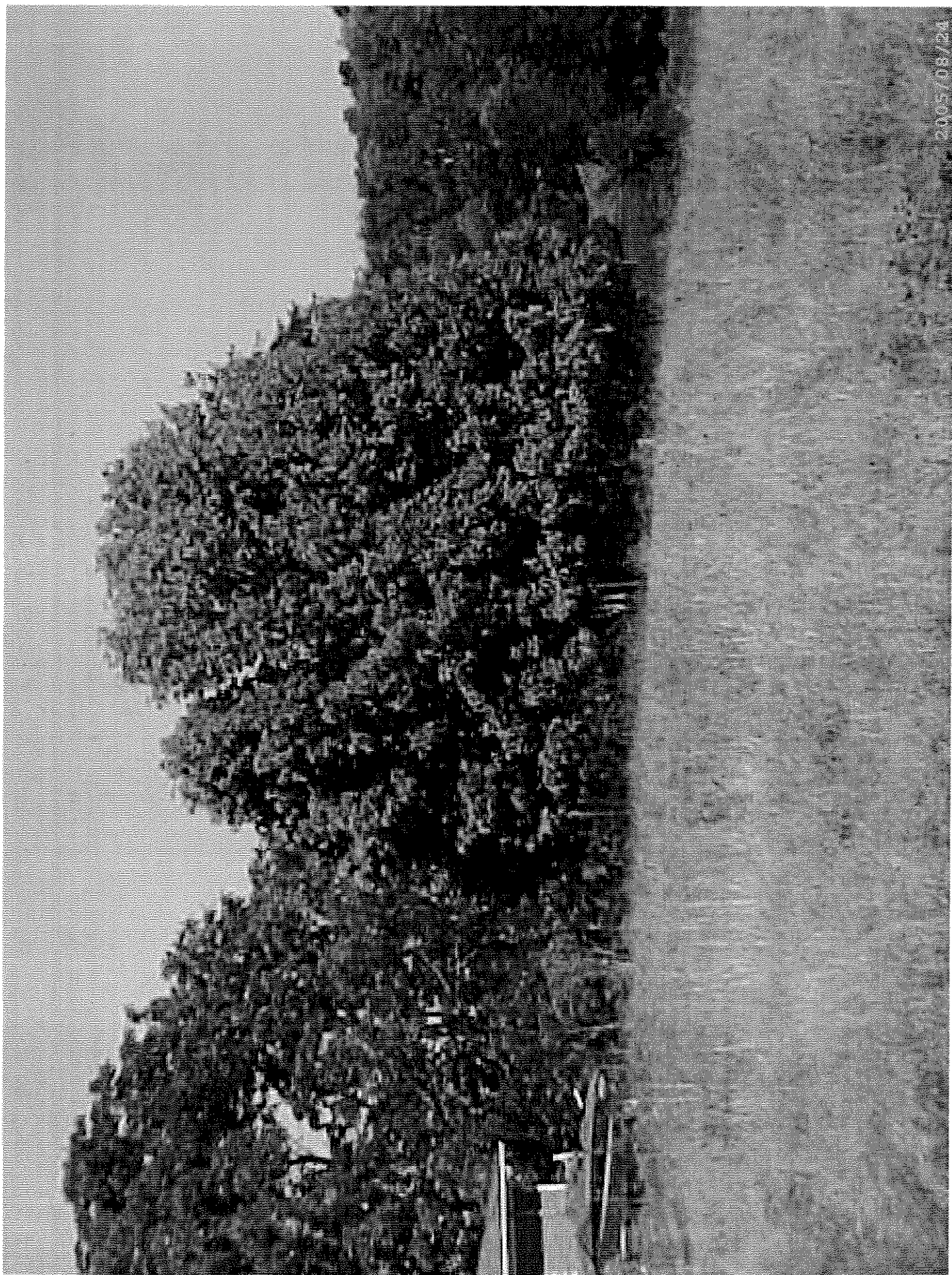


2005/08/24









2005/08/24